| 1 | LONGYEAR & LAVRA, LLP | | |
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| 7 | | | |
| 8 | Attorneys for Defendants, County of Sacramento, Grant Nugent, M.D. | | |
| 8 | and Gary Leeds, M.D. | | |
| 9 | | | |
| 10 | UNITED STATES DISTRICT COURT | | |
| 11 | EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION | | |
| 12 | | | |
| 13 | MIGUEL MARQUEZ VALDIVIA, | Case No.: 2:22-CV-01643-KJM-DB (PS) | |
| 14 | Plaintiff | AMENDED NOTICE OF MOTION AND MOTION TO DISMISS | |
| 15 | v. | | |
| 16 | COUNTY OF SACRAMENTO, GRANT | Date: May 19, 2023 Time: 10:00 a.m. | |
| 17 | NUGENT, GARY LEEDS and DOES 1-10, | Judge: Hon. Deborah Barnes Courtroom: 27 | |
| 10 | Defendants. | | |
| 18 | |) | |
| 19 | TO PLAINTIFF, MIGUEL MARQUEZ VALD | IVIA, PLAINTIFF PRO SE: | |
| 20 | PLEASE TAKE NOTICE that on May 19, 2023 at 10:00 a.m., or as soon thereafter as | | |
| 21 | this matter may be heard in Courtroom 27 in the above court, located at 501 I street, Sacramento, | | |
| 22 | Defendants County of Sacramento, Grant Nugent, M.D. and Gary Leeds, M.D, will and hereby | | |
| 23 | does move this Court to dismiss Plaintiff's Complaint, pursuant to Rule 12 (b)(6), on the | | |
| 24 | following grounds: | | |
| 25 | 1. Plaintiff's claims brought under § 1983 are time-barred under California Codes of Civil | | |
| 26 | Procedure § 335.1. | | |
| 27 | 2. Plaintiff's state law tort claims are similarly time-barred under § 340.5; and California | | |
| 28 | Government Code § 945.6. | | |
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| 1 | This motion is based on the | his Notice of Motion, and the Memorandum of Points and |
| 2 | Authorities, filed in support there | eof, the pleadings on file herein, and any oral or other evidence |
| 3 | which may be introduced at the time of the hearing on this motion. | |
| 4 | | |
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| 6 | Dated: March 22, 2023 | LONGYEAR & LAVRA, LLP |
| 7 | | , |
| 8 | | By: /s/ Ashley Calvillo |
| 9 | | VAN LONGYEAR GIGI KNUDTSON |
| 10 | | ASHLEY M. CALVILLO Attorneys for Defendants, |
| 11 | | County of Sacramento, Grant Nugent, M.D. and Gary Leeds, M.D. |
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1 PROOF OF SERVICE 2 CASE TITLE: Valdivia v. County of Sacramento, et al. **COURT:** USDC Eastern District of California 3 **CASE NO:** 2:22-cv-01643-KJM-DB (PS) 4 I am employed in the County of Sacramento. I am over the age of eighteen years and not 5 a party to the within above-entitled action. My business address is 555 University Avenue, Suite 6 280, Sacramento, CA 95825. 7 I am familiar with this office's practice whereby the mail is sealed, given the appropriate 8 9 postage and placed in a designated mail collection area. Each day's mail is collected and 10 deposited in a United States mailbox after the close of each day's business. 11 On March 22, 2023, I caused the following to be served: 12 **AMENDED NOTICE OF MOTION AND MOTION TO DISMISS** 13 United States Mail - on all parties in said action by placing a true copy of the above-14 described document(s) enclosed in a sealed envelope in the designated area for outgoing mail addressed as set forth below. 15 By ELECTRONIC MAIL - by personally sending to the addressee's Electronic Mail 16 address a true copy of the above-described document(s). 17 SEE ATTACHED SERVICE LIST 18 19 XX FEDERAL: I declare that I am employed in the office of a member of the bar of this 20 Court at whose direction service was made. 21 I declare under penalty of perjury that the foregoing is true and correct and that this 22 declaration was executed on March 22, 2023, at Sacramento, California. 23 24 /S/: D. Gonzales
D. Gonzales 25 Employee of Longyear & Lavra, LLP 26 27 28

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SERVICE LIST

| 1 | SERVICE LIST |
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